

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

October 1, 2014

The North Ogden Planning Commission convened in a regular meeting on October 1, 2014 at 6:30 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 29, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner (Excused)
Joan Brown	Commissioner
Blake Knight	Commissioner (Excused)
Steven Prisbrey	Commissioner
Dee Russell	Commissioner

STAFF:

Jon Call	City Attorney
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder
Robert O. Scott	City Planner

VISITORS:

Lynn Humphreys

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:31p.m. Commissioner Prisbrey offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE SEPTEMBER 3, 2014 PLANNING COMMISSION MEETING MINUTES**

Commissioner Brown made a motion to approve the consent agenda. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. DISCUSSION AND/OR RECOMMENDATION OF A ZONE FOR PROPERTY BEING CONSIDERED FOR ANNEXATION, LOCATED AT APPROXIMATELY 200 EAST LOMOND VIEW DRIVE

A staff memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at approximately 200 East Lomond View Drive be annexed and zoned Suburban Residential Zone (RE-20). The property is being annexed in order to build a single family home. The property is currently being used as a farm. The property is just under an acre in size and meets the requirements of the RE-20 zone. The properties to the east within the city limits are zoned RE-20; it is a logical extension of the RE-20 zone. This property is currently in the Weber Fire District and should be changed to the North View Fire District. The North Ogden General Plan map calls for the property to be annexed into North Ogden City.

The memo offered the following potential Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?

The memo concludes staff recommends that the City Council annex this property and apply the RE-20 zone; the property must be de-annexed from the Weber Fire District and annexed into the North View Fire District.

Mr. Scott reviewed his staff memo.

Commissioner Russell stated he has driven by the property and it appears construction has already begun on the single family home. Mr. Scott stated the applicant has been working with Building Official Kerr to complete any work allowed up to this point.

Chairman Thomas inquired as to the current location of the City's western boundary. Mr. Scott stated the western boundary is currently at the property to the east of the subject property, but will be extended to encompass the subject property upon approval of the annexation petition.

Commissioner Russell made a motion to forward a recommendation to the City Council to assign the RE-20 zoning designation to property being considered for annexation, located at approximately 200 East Lomond View Drive. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

3. DISCUSSION AND/OR RECOMMENDATION TO AMEND ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS FOR THE ALLOWANCE OF ACCESSORY BUILDINGS/GARAGES

A staff memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. On June 4, 2014 the North Ogden Planning Commission (NOPC) directed Staff to investigate the home occupation standards exception for the allowance of garages. On August 20, 2014 the North Ogden Planning Commission discussed various options for making amendments to the home occupation exceptions allowing garages. Overall the NOPC felt comfortable with the staff report options presented; however, commissioners requested Staff to investigate several additional alternatives. On September 3 the NOPC further discussed the options for amendments to allowing garages as

part of home occupations. The NOPC narrowed the options. On September 17 the NOPC further narrowed the amendment options as listed below:

Options:

The next step is to integrate the above comments with the home occupation garage options.

1. Amend the ordinance to allow garages with a sunset clause of two years; require the operator to submit a new conditional use permit application for an additional extension of two years. One option is that there would be no limit on new applications unless the operator violated the conditions of approval or a limit of up to four years or two applications could be established. This amendment would be applied to both new and existing home occupations. The operator would be required to submit a report each year demonstrating compliance with the conditional use permit conditions.

2. Add a clarification that the required garage parking stalls cannot be used for the home occupation if the home occupation infringes on the space for the required parking stalls.

3. Draft a purpose statement for the Home Occupation chapter.

Staff comment: A draft ordinance is attached showing the amendments as stated above.

The memo reviewed conformance to the General Plan:

The following sections from the General Plan should be considered as part of this decision process:

Community Aesthetics

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

Zoning and Land Use Policy

(1) A definite edge should be established between types of uses to protect the integrity of each use.

(2) Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Residential Guidelines:

(2) Avoid isolating neighborhoods.

The memo offered the following summary of potential Planning Commission considerations:

- Are the draft changes appropriate to the home occupation provisions regarding exceptions to allow garages?
- Is the proposed purpose statement appropriate?
- Does the General Plan support these amendments?

The memo concluded staff recommends that the Planning Commission review the draft ordinance and if it is acceptable Staff will set the ordinance for a public hearing.

Mr. Scott reviewed his staff memo.

Commissioner Brown asked if all home occupation licensees conducting business in their garage will have the opportunity to renew their license two times. Mr. Scott stated they will actually make an initial application for the license and then one opportunity for renewal before the sunset clause applies to their license.

Commissioner Russell asked if the ordinance and new restrictions will apply to existing garage based businesses. Mr. Scott stated those currently licensed will not be required to apply for renewal or apply for an additional conditional use permit (CUP) at the end of 2016.

Chairman Thomas stated he likes the current proposal, but led a brief discussion regarding the length of time garage based businesses shall be allowed to operate in the City. City Attorney Call stated it is important for the Planning Commission and City Council to review the existing CUP ordinance to ensure that standards are applied objectively to all home based business applications. Mr. Scott stated he would suggest that review take place separate of consideration of the proposed ordinance. Commissioner Brown stated it is important to look at applications objectively and take the emotion out of such discussions. Commissioner Knight and Chairman Thomas agreed.

There was a brief general discussion about some of the wording included in the proposed ordinance, though no wording changes altered the content of the ordinance.

Mr. Call then stated that in order to deny a person applying for a business license the City will need to prove there is no way to mitigate the negative impact a business could have on a neighborhood. Chairman Thomas stated he is not looking for a way to deny a home occupation application; instead if a home occupation's success grows and their impact on the neighborhood does the same, the City should have the opportunity to place additional conditions upon it to mitigate the impact. Vice-Chairman Waite agreed and stated he likes the fact that the proposed ordinance allows the City to review a home occupation periodically and assess any changes to the business since receiving approval. Mr. Scott agreed and stated he feels like a well written purpose statement will communicate that to the City Council and the public. He then stated that he will make amendments that have been suggested during this meeting and schedule a public hearing before the Planning Commission regarding the issue.

Chairman Thomas invited public comment regarding the proposed ordinance.

Lynn Humphries, 3088 N 100 E, stated he operates an auto repair business from his home and he has done his best to keep noise and other impacts to a minimum. He indicated he is a firm believer in the fact that the very best policy is to self-police and ensure respect of his neighbor. He stated he would ask that businesses that are continuing along with no complaints from their neighbors be allowed to continue operating with no renewal requirement every two years. He stated if there were a complaint or issue regarding his business he would be happy to meet with the City to defend his business or make adjustments to address the concerns, but the City should be friendly to businesses with which there are no complaints associated. He stated he was originally granted a license with no restrictions and conditions and he appreciates it greatly and tries to honor it. He will continue to be respectful of his neighbors.

Chairman Thomas stated the intent of the proposed ordinance is to ensure the City is being fair and uniform to all business licensees; the goal is not to police or impose conditions upon businesses. He stated he feels that if renewals were based only upon complaints, such a policy may facilitate artificial complaints and send the message that it is up to neighbors to police one

another. He stated he feels the City must set a uniform standard and he is hopeful it will be simple for licensees to go through the renewal process.

Vice-Chairman Waite made a motion to set a public hearing for October 15, 2014 to consider amendments to Ordinance 11-16, Home Occupation, to clarify the standards for the allowance of accessory buildings/garages. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

4. PUBLIC COMMENTS

There were no public comments.

5. PLANNING COMMISSION/STAFF COMMENTS

There was a brief discussion regarding recent training opportunities available to Planning Commissioners and Planning staff. Mr. Scott reported on a training he attended today and noted he received information that is timely to the City's intent to update the General Plan. He then provided a status report regarding the process to contract with a consultant to facilitate an update of the City's General Plan.

6. ADJOURNMENT

Commissioner Brown made a motion to adjourn the meeting. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 7:14 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved